

RECOMMENDED BY: THE MAYOR
THE COMMITTEE OF THE WHOLE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 17-122

AN ORDINANCE TO AMEND TITLE 3, “FINANCE AND FISCAL”, CHAPTER 3, “PURCHASING AND CONTRACTING”, TO ADD SECTION 3-3-18, “NONDISCRIMINATION PROVISIONS TO BE INCLUDED IN MUNICIPAL CONTRACTS”.

WHEREAS, the City of Birmingham is viewed as the Birthplace of Civil Rights and desires to protect the rights of all citizens; and,

WHEREAS, the City desires that contractors entering contracts with the City provide inclusive, nondiscriminatory opportunities in hiring and other employment actions.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that Title 3, “Finance and Fiscal”, Chapter 3, “Purchasing and Contracting”, is hereby amended to add Section 3-3-18, “Nondiscrimination provisions to be included in municipal contracts”, in language substantially as follows:

“Sec. 3-3-18. - Nondiscrimination provisions to be included in municipal contracts.

“(a) Definitions. Words and terms in this ordinance shall be as defined in the City of Birmingham Nondiscrimination Ordinance upon adoption of such ordinance.

“(b) The city and all city departments and agencies shall include in every municipal contract hereafter entered into the following provisions:

‘During the performance of this contract the contractor agrees as follows:

‘(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, gender identity, sexual orientation, disability, familial status, or national origin. Such action shall include but not be limited to the following: Employment,

upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

‘(2) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further municipal contracts.’”

SECTION 2. OTHER REMEDIES. This ordinance may not be construed to limit any other remedies available under federal, state or local law.

SECTION 3. SEVERABILITY. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law.

